

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alyssa Rogowski	Team: Squad #7	CCRB Case #: 201806421	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 07/26/2018 12:30 PM	Location of Incident: East 178th Street and Grand Concourse	Precinct: 46	18 Mo. SOL 1/26/2020	EO SOL 1/26/2020	
Date/Time CV Reported Thu, 07/26/2018 7:33 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 08/07/2018 11:11 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Yaw Asare	12180	951512	046 PCT
2. POM Stephen Oliver	21260	952067	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Yaw Asare	Abuse: Police Officer Yaw Asare refused to provide his name to § 87(2)(b)	
B.POM Yaw Asare	Abuse: Police Officer Yaw Asare refused to provide his shield number to § 87(2)(b)	
C.POM Stephen Oliver	Abuse: Police Officer Stephen Oliver refused to provide his name to § 87(2)(b)	
D.POM Stephen Oliver	Abuse: Police Officer Stephen Oliver refused to provide his shield number to § 87(2)(b)	

Case Summary

On July 26, 2018, § 87(2)(b) filed this complaint via telephone with IAB under IAB Log #: 2018-29976.

On July 26, 2018, § 87(2)(b) called 911 to request officers to resolve a dispute with her Lyft driver, identified as § 87(2)(b) during which § 87(2)(b) stopped at Grand Concourse and East 178th Street in the Bronx and refused to take § 87(2)(b) to her destination. At approximately 12:30pm, after an hour and a half of § 87(2)(b) calling 911 from the backseat of the Lyft, two uniformed officers, identified through the investigation as Police Officer Yaw Asare and Police Officer Stephen Oliver both of the 46th precinct, arrived. The officers ordered § 87(2)(b) out of the vehicle. § 87(2)(b) told PO Asare and PO Oliver that she was going to file a complaint against them and allegedly said to them, "So tell me, what's your name and badge number?" § 87(2)(b) then allegedly asked for their names and badge numbers about four times. PO Asare and PO Oliver allegedly ignored her and refused to provide their names and shield numbers (**Allegations A-D: Abuse of Authority,** § 87(2)(g))

No video footage was obtained from this incident.

Findings and Recommendations

Allegation A—Abuse of Authority: Police Officer Yaw Asare refused to provide his name to

§ 87(2)(b)

Allegation B—Abuse of Authority: Police Officer Yaw Asare refused to provide his shield number to § 87(2)(b)

Allegation C—Abuse of Authority: Police Officer Stephen Oliver refused to provide his name to § 87(2)(b)

Allegation D—Abuse of Authority: Police Officer Stephen Oliver refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) provided a phone statement to IAB when she filed this complaint in which she stated that after officers responded to assist with the dispute between her and § 87(2)(b) the officers were very rude to her and they refused to provide their names and shield numbers (Board Review 01). § 87(2)(b) was able to provide physical descriptions of the two officers but did not know what precinct they were from nor did she have either of their names or shield numbers.

§ 87(2)(b) provided a phone statement and an in-person sworn statement to the CCRB (Board Review 02 and 03). § 87(2)(b) recalled that she was waiting in the backseat of the Lyft at East 178th and Grand Concourse in the Bronx when PO Asare and PO Oliver approached the vehicle. The officers spoke first with § 87(2)(b) who was standing outside the vehicle, then they opened the rear door and ordered § 87(2)(b) out of the vehicle. § 87(2)(b) asked PO Asare and PO Oliver what she was supposed to do about getting her money back and they told her she needed to take that up with the Lyft company. § 87(2)(b) asked the officers to obtain § 87(2)(b)'s license and taxi information for her and they refused. § 87(2)(b) told PO Asare and PO Oliver she was going to file a complaint against them and asked both officers, "So tell me, what's your name and your badge number?" § 87(2)(b) then asked both officers for their names and badge numbers about four times while they were standing in the open rear car door. PO Asare and PO Oliver ignored her questions and just continued to order her out of the backseat. § 87(2)(b) realized by then that the officers were not going to help her so she complied

and exited the vehicle on her own. § 87(2)(b) was consistent throughout her statements in this investigation that she never knew the officers' names or shield numbers.

§ 87(2)(b) the Lyft driver, provided a phone statement (Board Review 04). § 87(2)(b) stated that on July 26, 2018 when he picked § 87(2)(b) up, she began berating him about not picking her up at the right location. § 87(2)(b) became angry and started yelling. By this point, § 87(2)(b) was already driving towards her destination. He pulled over at East 178th Street and Grand Concourse and told her he could not take her to her destination because she was being aggressive. § 87(2)(b) then called the police.

After several calls to 911 and over 1 hour, PO Asare and PO Oliver arrived. Both officers spoke with both § 87(2)(b) and § 87(2)(b). PO Asare and PO Oliver told § 87(2)(b) that § 87(2)(b) was being disrespectful to them too. § 87(2)(b) paid § 87(2)(b) cash out of his pocket to reimburse her fare but she continued to argue with him and the officers. § 87(2)(b) asked for § 87(2)(b) license and taxi information, which the officers were holding. The officers told her those documents were § 87(2)(b) private information and that he did not have to share them with her. The officers told her that § 87(2)(b) had already given her money and that she needed to calm down. When asked if § 87(2)(b) had ever asked for PO Asare's and PO Oliver's names or shield numbers, § 87(2)(b) recalled that she had and that the officers had both provided her with their information.

PO Asare stated that on July 26, 2018 at approximately 11:16am, he and PO Oliver were conducting patrol in their sector when a job came over the radio regarding a dispute between a passenger and a Lyft driver at East 178th and Grand Concourse (Board Review 05). PO Asare and PO Oliver did not arrive at the location until around 12:20pm because the other calls they received around the same time were priorities.

When they arrived at the location, PO Asare observed that § 87(2)(b) was still in the backseat and that § 87(2)(b) was standing outside the vehicle. PO Asare first went to speak with § 87(2)(b) while PO Oliver spoke with § 87(2)(b). PO Asare recalled that § 87(2)(b) was very irate, screaming and yelling about how she wanted her money back and how § 87(2)(b) was not taking her where she wanted to go. She remained in the backseat while he was speaking with her and they spoke through the open car door. PO Asare then spoke with § 87(2)(b) who told the officers that § 87(2)(b) had kept changing where she wanted to go. § 87(2)(b) told the officers that he would refund § 87(2)(b) for the ride if she just got out of his car. When PO Asare told § 87(2)(b) that § 87(2)(b) said he would give her a refund, § 87(2)(b) continued to refuse to exit the vehicle. Eventually, PO Asare told her that whatever she needed to do on her end to get her refund was fine but she had to vacate the vehicle. § 87(2)(b) finally exited the vehicle and § 87(2)(b) gave her a cash refund from pocket.

PO Asare did not remember § 87(2)(b) ever asking for his name or shield number and stated that if she had he would have gladly given it to her. PO Asare never refused to provide his name or shield number. PO Asare never heard her ask for PO Oliver's name or shield number. PO Asare never heard PO Oliver refuse to provide his name or shield number.

PO Oliver recalled that when he and PO Asare arrived on scene, he spoke to both § 87(2)(b) and § 87(2)(b) but does not recall specifically what was said (Board Review 06). PO Oliver stated that as far as he remembered, § 87(2)(b) just wanted § 87(2)(b) to exit his vehicle. While PO Oliver was speaking with § 87(2)(b) she remained in the backseat and they communicated through the open rear door. PO Oliver recalled that towards the end of the interaction, § 87(2)(b) exited the

backseat of her own accord. Throughout the interaction, § 87(2)(b) seemed irritated and irate, both at § 87(2)(b) and the officers. PO Oliver does not remember § 87(2)(b) ever asking for his name or his shield number. PO Oliver never refused to provide his name or shield number and stated that had she asked, he would have provided it. PO Oliver never heard PO Asare refuse to provide his name or shield number to § 87(2)(b).

NYPD Patrol Guide Procedure 203-09 states that an officer must, “courteously and clearly state [his] rank, name, shield number and command, or otherwise provide them, to anyone who requests [them] to do so.” (Board Review 07).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one prior CCRB complaints, which was referred to another agency (Board Review 08).
- PO Yaw Asare has been a member-of-service for 7 years and has been a subject in 3 prior CCRB complaints and 8 allegations, none of which were substantiated. PO Asare is also subject in one open CCRB Case 201805602, with one allegation. Of these 9 other allegations, three involved refusal to provide name and shield number.
- PO Stephen Oliver has been a member-of-service for 7 years and has been a subject in 4 prior CCRB complaints and 11 allegations, none of which were substantiated. Of these 11 other allegations, three involved refusal to provide name and shield number.

Mediation, Civil and Criminal Histories

- On September 27th, 2018, this case was sent to mediation and on December 20th, 2018, this case was returned to investigation after § 87(2)(b) stated she was no longer interested in mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of January 25th, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (Board Review 10).

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date
Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date